

# The Law Relating to Architects

18.08 RCW  
308-12 WAC  
18.235 RCW



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# Chapter 18.08 RCW

## ARCHITECTS

### Sections

|           |  |
|-----------|--|
| 18.08.235 | Legislative findings—1985 c 37.  |
| 18.08.240 | Architects' license account.   |
| 18.08.310 | Authorization to practice required—Out-of-state firms—Interns.   |
| 18.08.320 | Definitions.   |
| 18.08.330 | Board for architects—Membership.   |
| 18.08.340 | Board—Rules—Executive director.  |
| 18.08.350 | Certificate of registration—Application—Qualifications.  |
| 18.08.360 | Examinations.  |
| 18.08.370 | Issuance of certificates of registration—Seal, use.  |
| 18.08.380 | Certificates of registration, authorization—Replacement of lost, destroyed, or mutilated certificates. |
| 18.08.390 | Registration of prior registrants.   |
| 18.08.400 | Registration of out-of-state registrants.  |
| 18.08.410 | Application of chapter.  |
| 18.08.420 | Business entities—Authorization to practice required.  |
| 18.08.430 | Renewal of certificates of registration—Withdrawal—Continuing professional development.                |
| 18.08.440 | Powers under RCW 18.235.110—Grounds.   |
| 18.08.460 | Violation of chapter—Penalties—Enforcement—Injunctions—Persons who may initiate proceedings.           |
| 18.08.470 | Certificate or registration suspension—Nonpayment or default on educational loan or scholarship.       |
| 18.08.480 | Certificate of registration or authorization suspension—Non-compliance with support order—Reissuance.  |
| 18.08.490 | Uniform regulation of business and professions act.  |
| 18.08.500 | Military training or experience.   |
| 18.08.900 | Severability—1985 c 37.  |

*Public contracts for architectural services: Chapter 39.80 RCW.*

*Safety requirements as to doors, public buildings, and places of entertainment: RCW 70.54.070.*

**18.08.235 Legislative findings—1985 c 37.** The legislature finds that in order to safeguard life, health, and property and to promote the public welfare, it is necessary to regulate the practice of architecture. [1985 c 37 § 1.]

**18.08.240 Architects' license account.** There is established in the state treasury the architects' license account, into which all fees paid pursuant to this chapter shall be paid. [1991 sp.s. c 13 § 2; 1985 c 57 § 4; 1959 c 323 § 15.]

\***Reviser's note:** "Sections 123 through 139 of this act" [1991 sp.s. c 13] were vetoed by the governor.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.08.310 Authorization to practice required—Out-of-state firms—Interns.** (1) It is unlawful for any person to practice or offer to practice architecture in this state, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

(4) The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture. [2010 c 129 § 1; 1985 c 37 § 2.]

**18.08.320 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

(2) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

(3) "Architect" means an individual who is registered under this chapter to practice architecture.

(4) "Board" means the state board for architects.

(5) "Certificate of authorization" means a certificate issued by the director to a business entity that authorizes the entity to practice architecture.

(6) "Certificate of registration" means the certificate issued by the director to newly registered architects.

(7) "Department" means the department of licensing.

(8) "Director" means the director of licensing.

(9) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

(10) "Managers" means the members of a limited liability company in which management of its business is vested in the members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

(11) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

(12) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to pre-design services, schematic design, design development, prep-

aration of construction contract documents, and administration of the construction contract.

(13) "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

(14) "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

(15) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(16) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(17) "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances. [2010 c 129 § 2; 1985 c 37 § 3.]

**Reviser's note:** The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

**18.08.330 Board for architects—Membership.** There is created a state board for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years.

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a chair, a vice chair, and a secretary. The secretary may delegate his or her authority to the executive director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. [2010 c 129 § 3; 1985 c 37 § 4.]

**18.08.340 Board—Rules—Executive director.** (1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive director subject to approval by the board. [2010 c 129 § 4; 2002 c 86 § 201; 1985 c 37 § 5.]

**Effective dates—2002 c 86:** "(1) Sections 201 through 240 and 242 through 401 of this act take effect January 1, 2003.

(2) Section 241 of this act takes effect July 1, 2003." [2002 c 86 § 403.]

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.08.350 Certificate of registration—Application—Qualifications.** (*Effective until July 1, 2012.*) (1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess either of the following qualifications:

(a) Have an accredited architectural degree and three years' practical architectural work experience and have completed the requirements of a structured intern training program approved by the board; or

(b) Have eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect. [1997 c 169 § 1; 1993 c 475 § 2; 1993 c 475 § 1; 1985 c 37 § 6.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.08.350 Certificate of registration—Application—Qualifications.** (*Effective July 1, 2012.*) (1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience in a structured intern training program approved by the board; or

(b) Have a high school diploma or equivalent and at least nine years of practical architectural work experience, including the completion of a structured intern training program under the direct supervision of an architect as determined by the board. Prior to applying to enroll in a structured intern training program, the applicant must have at least six years of work experience, of which three years must be under the direct supervision of an architect. This work experience may

include designing buildings as a principal activity and postsecondary education as determined by the board. The board may approve up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, as determined by the board, including courses completed in a community or technical college if the courses are equivalent to courses in an accredited architectural degree program. [2010 c 129 § 5; 1997 c 169 § 1; 1993 c 475 § 2; 1993 c 475 § 1; 1985 c 37 § 6.]

**Effective date—Intern training program enrollment—2010 c 129 § 5:** "Section 5 of this act takes effect July 1, 2012, and all persons enrolled in an intern training program as approved by the board before July 1, 2012, shall be governed by the statute in effect at the time of enrollment in the program." [2010 c 129 § 12.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.08.360 Examinations.** (1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter. [2010 c 129 § 6; 1985 c 37 § 7.]

**18.08.370 Issuance of certificates of registration—Seal, use.** (1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. All technical submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a doc-

ument after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect. [2010 c 129 § 7; 1985 c 37 § 8.]

**Effective date—2010 c 129 §§ 7-10:** "Sections 7 through 10 of this act take effect July 1, 2011." [2010 c 129 § 11.]

**18.08.380 Certificates of registration, authorization—Replacement of lost, destroyed, or mutilated certificates.** A new certificate of registration or certificate of authorization to replace any certificate lost, destroyed, or mutilated may be issued by the director. A charge, determined as provided in RCW 43.24.086, shall be made for such issuance. [2002 c 86 § 202; 1985 c 37 § 9.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.08.390 Registration of prior registrants.** All persons registered as architects under chapter 205, Laws of 1919, or registered as architects under chapter 323, Laws of 1959, as amended, before July 28, 1985, shall be registered as architects without examination. [1985 c 37 § 10.]

**18.08.400 Registration of out-of-state registrants.** The director may, upon receipt of the current registration fee, grant a certificate of registration to an applicant who is a registered architect in another state or territory of the United States, the District of Columbia, or another country, if that individual's qualifications and experience are determined by the board to be equivalent to the qualifications and experience required of a person registered under RCW 18.08.350. [1985 c 37 § 11.]

**18.08.410 Application of chapter.** This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as

authorized in chapter 18.43 RCW, or the provision of space planning or interior design services not affecting public health or safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects from acting under the instructions, control, or supervision of an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet; or

(7) Any person from doing design work, including preparing construction contract documents and administration of the contract, for alteration of or repairs to a building where the project size is not more than four thousand square feet in a building greater than four thousand square feet and when the work contemplated by the design does not affect the life safety or structural systems of the building. The combined square footage of simultaneous projects allowed under this subsection (7) may not exceed four thousand square feet. [2010 c 129 § 8; 1985 c 37 § 12.]

**Effective date—2010 c 129 §§ 7-10:** See note following RCW 18.08.370.

**18.08.420 Business entities—Authorization to practice required.** (1) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the business entity a certificate of authorization to practice architecture in this state.

(4) Any business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.

(5) Any business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board finds that the business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.

(6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086. [2010 c 129 § 9; 2002 c 86 § 203; 1991 c 72 § 2; 1985 c 37 § 13.]

**Effective date—2010 c 129 §§ 7-10:** See note following RCW 18.08.370.

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.08.430 Renewal of certificates of registration—Withdrawal—Continuing professional development.** (1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting

rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section. [2010 c 129 § 10; 1985 c 37 § 14.]

**Effective date—2010 c 129 §§ 7-10:** See note following RCW 18.08.370.

**18.08.440 Powers under RCW 18.235.110—Grounds.** The board shall have the power to impose any action listed under RCW 18.235.110 upon the following grounds:

(1) Offering to pay, paying, or accepting, either directly or indirectly, any substantial gift, bribe, or other consideration to influence the award of professional work;

(2) Being willfully untruthful or deceptive in any professional report, statement, or testimony;

(3) Having a financial interest in the bidding for or the performance of a contract to supply labor or materials for or to construct a project for which employed or retained as an architect except with the consent of the client or employer after disclosure of such facts; or allowing an interest in any business to affect a decision regarding architectural work for which retained, employed, or called upon to perform;

(4) Signing or permitting a seal to be affixed to any drawings or specifications that were not prepared or reviewed by the architect or under the architect's personal supervision by persons subject to the architect's direction and control; or

(5) Willfully evading or trying to evade any law, ordinance, code, or regulation governing construction of buildings. [2002 c 86 § 204; 1985 c 37 § 15.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.08.460 Violation of chapter—Penalties—Enforcement—Injunctions—Persons who may initiate proceedings.** (1) Any person who violates any provision of this chapter or any rule promulgated under it is guilty of a misdemeanor and may also be subject to a civil penalty in an amount not to exceed one thousand dollars for each offense.

(2) It shall be the duty of all officers in the state or any political subdivision thereof to enforce this chapter. Any public officer may initiate an action before the board to enforce the provisions of this chapter.

(3) The board may apply for relief by injunction without bond to restrain a person from committing any act that is prohibited by this chapter. In such proceedings, it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial irreparable damage would result from the continued violation thereof. The members of the board shall not be personally liable for their actions in any such proceeding or in any other proceeding instituted by the board under this chapter. The board in any proper case shall

cause prosecution to be instituted in any county or counties where any violation of this chapter occurs, and shall aid the prosecution of the violator.

(4) No person practicing architecture is entitled to maintain a proceeding in any court of this state relating to services in the practice of architecture unless it is alleged and proved that the person was registered or authorized under this chapter to practice or offer to practice architecture at the time the architecture services were offered or provided. [2003 c 53 § 123; 1985 c 37 § 17.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**18.08.470 Certificate or registration suspension—Nonpayment or default on educational loan or scholarship.** The board shall suspend the certificate or registration of any person who has been certified by a lending agency and reported to the board for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's certificate or registration shall not be reissued until the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for certification or registration during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the board may impose. [1996 c 293 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.08.480 Certificate of registration or authorization suspension—Noncompliance with support order—Reissuance.** The board shall immediately suspend the certificate of registration or certificate of authorization to practice architecture of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a \*residential or visitation order. If the person has continued to meet other requirements for reinstatement during the suspension, reissuance of the certificate shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the individual is in compliance with the order. [1997 c 58 § 813.]

**\*Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

**Effective dates—Intent—1997 c 58:** See notes following RCW 74.20A.320.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**18.08.490 Uniform regulation of business and professions act.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice,

the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 205.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.08.500 Military training or experience.** An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 1.]

**18.08.900 Severability—1985 c 37.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1985 c 37 § 20.]



- PL 579), § 308-12-145, filed 2/5/86.] Repealed by 97-03-121, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.350(2).
- 308-12-150 Work experience defined. [Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-150, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.350. 87-19-095 (Order PM 676), § 308-12-150, filed 9/17/87. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-150, filed 2/5/86.] Repealed by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086.
- 308-12-180 Brief adjudicative proceedings. [Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-180, filed 2/15/07, effective 3/18/07.] Decodified by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086. Recodified as 308-12-345.
- 308-12-190 Records required for the brief adjudicative proceeding. [Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-190, filed 2/15/07, effective 3/18/07.] Decodified by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086. Recodified as 308-12-350.
- 308-12-210 Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-210, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-210, filed 1/21/97, effective 2/21/97.] Repealed by 07-05-040, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.
- 308-12-220 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-220, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-220, filed 1/21/97, effective 2/21/97.] Repealed by 07-05-040, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.060.
- 308-12-230 Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-230, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-230, filed 1/21/97, effective 2/21/97.] Decodified by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086. Recodified as 308-12-355.
- 308-12-300 Registration renewal fee. [Order PL 205, § 308-12-300, filed 11/5/75; Order PL 163, § 308-12-300, filed 3/18/74.] Repealed by 81-18-044 (Order PL 383), filed 8/28/81. Statutory Authority: RCW 43.24.085.
- 308-12-310 Fees. [Order PL 205, § 308-12-310, filed 11/5/75.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.
- 308-12-311 Fees. [Statutory Authority: RCW 43.24.085. 81-18-044 (Order PL 383), § 308-12-311, filed 8/28/81; 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.] Repealed by 83-05-006 (Order PL 425), filed 2/3/83. Statutory Authority: RCW 18.08.130.
- 308-12-312 Fees. [Statutory Authority: RCW 18.08.130. 83-05-006 (Order PL 425), § 308-12-312, filed 2/3/83.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-12-320 Renewal of licenses. [Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-320, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-320, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-320, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-320, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.430. 90-17-097, § 308-12-320, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.] Decodified and amended by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086. Recodified as 308-12-215.
- 308-12-321 Competence. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-321, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-321, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-322 Conflict of interest. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-322, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-322, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-323 Full disclosure. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-323, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-323, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-324 Compliance with laws. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-324, filed 10/2/00, effective 11/2/00; 97-03-121, § 308-12-324, filed 1/21/97, effective 2/21/97. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-324, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-325 Professional conduct. [Statutory Authority: RCW 18.08.340. 00-20-062, § 308-12-325, filed 10/2/00, effective 11/2/00. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-325, filed 10/17/85.] Repealed by 02-11-082, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340.
- 308-12-326 Architect fees. [Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-326, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 43.24.086. 98-12-064, § 308-12-326, filed 6/1/98, effective 7/2/98. Statutory Authority: RCW 43.24.086. 97-13-095, § 308-12-326, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-326, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.340 and 18.08.370. 91-13-055, § 308-12-326, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 43.24.086. 90-03-032, § 308-12-326, filed 1/12/90, effective 2/12/90; 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.] Decodified and amended by 11-11-019, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340 and 43.24.086. Recodified as 308-12-205.

**WAC 308-12-005 Definitions.** (1) "Architect of record" is the architect whose name appears on the building permit.

(2) "ARE" or "examination" means the architect registration examination written and administered by NCARB.

(3) "Building" means "structure" as defined in RCW 18.08.320.

(4) "Direct supervision," as in the phrase "under the direct supervision of an architect," as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations:

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

(c) The supervising architect is licensed in an NCARB-recognized jurisdiction.

(5) "Entire examination" as referred to in RCW 18.08.360(3) means all divisions of the ARE.

(6) "Institution of higher education" as used in RCW 18.08.320 means a college or school recognized by the National Architectural Accreditation Board (NAAB) as having accredited programs in architecture.

(7) "Intern development program" or "IDP" is a structured internship training program designed to provide a profession-wide, comprehensive program that contributes to the development of competent architects.

(8) "NCARB" means the National Council of Architectural Registration Boards, of which the Washington board is a member.

(9) "Practical architectural work experience" means performing activities involved in the practice of architecture, as defined in RCW 18.08.320 and meeting the criteria in RCW 18.08.350.

(10) Professional development equivalents:

(a) One professional development hour (PDH) is equal to no less than fifty minutes of instruction.

(b) For professional development through an institution of higher education:

(i) One semester hour equals forty-five PDH.

(ii) One quarter hour equals thirty PDH.

(11) "Technical submission" means designs, drawings, specifications, studies, and other technical documents prepared in the course of practicing architecture.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, amended and recodified as § 308-12-005, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-115, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-115, filed 5/14/02, effective 6/14/02; 98-20-061, § 308-12-115, filed 10/2/98, effective 11/2/98; 91-12-061, § 308-12-115, filed 6/5/91, effective 7/6/91. Statutory Authority: RCW 18.08.320. 87-19-095 (Order PM 676), § 308-12-115, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-115, filed 10/17/85.]

#### **WAC 308-12-010 How does the state board function?**

The Washington state board for architects, hereafter called the board, shall hold quarterly regular public meetings each year. Additional public meetings may be held at such times and places as the board may deem necessary. At its regular meeting during the second quarter of the calendar year, the board will elect a chair, a vice-chair and a secretary for the upcoming year.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-010, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-010, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-010, filed 5/14/02, effective 6/14/02. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-010, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-010, filed 2/2/83; Order PL-132, § 308-12-010, filed 9/25/72; filed 4/28/67; Rule 1, filed 11/19/64; Rules 2, 4, filed 10/26/62; Rule 1, filed 10/26/62.]

**WAC 308-12-016 What are the board member rules of conduct?** (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity; or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse him or herself from the board discussion regarding the specific transaction;

(b) Recuse him or herself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3) "Transaction involving the board":

(a) Means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) Does not include the following:

Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct.

(a) **EXAMPLE 1:**

The state board for architects disciplines licensed architects in Washington. The board is conducting an investigation involving the services provided by a licensed architect. One of the members of the board is currently serving a subcontractor to that architect on a large project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed architect services.

(b) **EXAMPLE 2:**

The state board for architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed architects, including one of the board members. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) **EXAMPLE 3:**

The state board for architects makes licensing decisions on applications from registered architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as an architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the architect for the project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to this rule, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever

recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, amended and recodified as § 308-12-016, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-111, filed 2/15/07, effective 3/18/07.]

**WAC 308-12-023 How do I become a licensed architect?** You need to fulfill three general requirements before getting your license: Education, examination, and experience. If you are already licensed in another NCARB-recognized jurisdiction, you will need to verify you have met these requirements before being licensed in Washington. The

board may request additional information or an oral interview, if necessary. You must also satisfactorily complete a review of laws related to the practice of architecture as determined by the board.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-023, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-025 What qualifications do I need to meet if I am not already licensed?** If you are not licensed in another jurisdiction, your combination of education and experience will determine what you need to do to get your license (see the chart below).

| Education type                          | Accredited professional degree (typically five-year bachelor of architecture or six-year master of architecture) | An equivalent degree, awarded by EESA (education evaluation services for architects) for candidates from a nonaccredited U.S. architectural school or a foreign architectural school | A preprofessional degree in architecture (typically four-years) from a program offering an accredited degree | Postsecondary study in architecture or related fields, with passing grades, in increments of one year, will receive up to three years credit | A degree in architectural technology (typically a two-year community college or trade school degree) | High school diploma or equivalent |
|---|--|--|--|--|--|-----------------------------------|
| Practical architectural work experience | Gained during IDP  |  | Two years under the direct supervision of an architect   | Three or more years depending on your education credit<br><br>Three of these years must be under the direct supervision of an architect      | Four years   | Six years                         |
| IDP                                     | Contact NCARB to find out when you can enroll in IDP   |  | You can't enroll in IDP until you complete the practical architectural work experience                       |  |  |                                   |
| When to apply to take the ARE           | You can start taking the ARE through NCARB while enrolled in IDP   | Apply to the board after you have completed the practical architectural work experience and IDP  |  |  |  |                                   |
| When can you get your license           | Apply to the board after you have completed your IDP and ARE   | Apply to the board after you have completed the ARE  |  |  |  |                                   |
| Additional materials                    | All candidates must complete the Washington law review   |  |  |  |  |                                   |

If you have an accredited architectural degree, you need to complete IDP and the ARE. If you choose, you can take the exams while you are completing IDP. NCARB will register and guide you through both IDP and the ARE. The board also requires a review of Washington's laws and rules relating to the practice of architecture.

If you do not have an accredited architectural degree, you must have a high school diploma or equivalent and at least nine years' practical architectural work experience.

(1) You must have at least six years of practical architectural work experience before enrolling in IDP.

(a) At least three of these years must be under the direct supervision of a licensed architect.

(b) The remaining three years can be any combination of the following as approved by the board:

(i) Postsecondary education courses in architecture, architectural technology or a related field.

(A) Related fields may include the following:

- (I) Environmental design;
- (II) Urban planning;
- (III) Landscape architecture;
- (IV) Construction management;
- (V) Civil engineering;
- (VI) Naval architecture;
- (VII) Interior architecture;

(VIII) Other fields as determined by the board.

(B) With a passing grade, thirty semester credit hours or forty-five quarter hours are considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(ii) Practical architectural work experience may be accrued simultaneously while educational credit is being accrued and will receive credit if it is as follows:

(A) At least thirty-five hours per week for at least ten consecutive weeks - one hundred percent.

(B) At least twenty hours per week for at least six continuous months - fifty percent.

(2) After you complete IDP, apply to the board to take the ARE. When your application is approved, board staff will register you to take the ARE. You will pay the fees for examination and reexamination directly to NCARB.

(3) The board also requires a review of Washington's laws and rules relating to the practice of architecture.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-025, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-025, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 98-20-061, § 308-12-025, filed 10/2/98, effective 11/2/98. Statutory Authority: RCW 18.08.350(2). 97-03-121, § 308-12-025, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.340. 95-04-080, § 308-12-025, filed 1/31/95, effective 3/3/95. Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-025, filed 8/10/89,

effective 9/10/89. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-025, filed 10/17/85.]

**WAC 308-12-028 What is the application process if I am not already licensed?** (1) If you have an accredited architectural degree:

(a) Contact NCARB to register for IDP and the ARE. You will pay the fees for examination and reexamination directly to NCARB.

(b) When you have finished IDP and the ARE:

(i) Have NCARB transmit evidence of your qualifications, experience and successful completion of the ARE, as shown by your council record, directly to the Washington board office.

(ii) Complete the board's official application form with the application fee and initial license fee and submit it to the board office. The application fee is not refundable.

(iii) Complete a review of Washington's laws and rules relating to the practice of architecture.

(2) If you do not have an accredited architectural degree:

(a) Complete the board's official application form with the application fee and submit it to the board office. The application fee is not refundable.

(b) Using the board's application forms, have the licensed architects who have reviewed your practical work experience provide verification of your experience directly to the board office.

(c) Once your application is approved, contact NCARB to register for IDP.

(d) Complete IDP and have NCARB transmit your council record directly to the Washington board office. Board staff will register you for the ARE. You will pay the fees for examination and reexamination directly to NCARB.

(e) Successfully complete the ARE.

(f) Submit the initial license fee to the board office.

(g) Complete a review of Washington's laws and rules relating to the practice of architecture.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-028, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-031 Who manages the required intern training program and examination?** The National Council of Architectural Registration Boards (NCARB) maintains and validates the continuing, comprehensive record of internship training and the board has adopted NCARB's Intern Development Program (IDP) as the board-approved structured intern training program.

The board has adopted the NCARB Architect Registration Examination (ARE) and grading procedure prepared by NCARB as the state examination for licensure. NCARB administers the entire examination for Washington candidates, and collects examination and reexamination fees accordingly. Candidates with an accredited architectural degree may take portions of the examination concurrently while enrolled in IDP. No review or appeal of failed examinations is accepted by the department or the board.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-031, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-031, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.360(2). 97-03-121, § 308-12-031, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.340 and 18.08.360. 90-11-062, § 308-12-031, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW

(5/9/11)

18.08.360. 89-17-038 (Order PM 857), § 308-12-031, filed 8/10/89, effective 9/10/89; 88-17-085 (Order PM 767), § 308-12-031, filed 8/22/88. Statutory Authority: RCW 18.08.340 and 18.08.360. 88-01-035 (Order PM 694), § 308-12-031, filed 12/11/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-031, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-031, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-031, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-031, filed 2/2/83.]

**WAC 308-12-050 What qualifications do I need to meet if I am already licensed?** If you hold an active architect license in good standing in any jurisdiction recognized by NCARB, you can apply for a Washington license if your qualifications and experience meet one of the following:

(1) You have an NCARB certificate. The board recognizes NCARB certification to include certification through the broadly experienced architect and/or broadly experienced foreign architect programs;

(2) You do not have an NCARB certificate, but you have satisfactorily completed the ARE or an examination as approved by the board, including a test component or licensing requirement addressing seismic structure as determined by the board; and

(a) Have been licensed as an architect nine or more years; or

(b) Have an NAAB-degree and have completed IDP.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-050, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-050, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-050, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-050, filed 1/21/97, effective 2/21/97. Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-050, filed 8/10/89, effective 9/10/89. Statutory Authority: RCW 18.08.340(1) and 18.08.400. 88-09-066 (Order PM 720), § 308-12-050, filed 4/20/88. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-050, filed 2/5/86. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-050, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-050, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-050, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-050, filed 2/2/83; Order PL-132, § 308-12-050, filed 9/25/72; Order 691102, § 308-12-050, filed 11/26/69; Rule 9, filed 11/19/64, 10/26/62.]

**WAC 308-12-055 What is the application process if I am already licensed?** (1) If you are currently licensed and have an NCARB certificate:

(a) Complete the board's official application form and submit it to the board office with the reciprocity application fee and the initial license fee. The application fee is not refundable.

(b) Have NCARB transmit evidence of your certification directly to the Washington board office.

(c) Complete a review of Washington's laws and rules relating to the practice of architecture.

(2) If you are licensed in an NCARB-recognized jurisdiction and don't have an NCARB certificate:

(a) Complete the board's official application form and submit it to the board office with the reciprocity application fee and the initial license fee. The application fee is not refundable.

(b) Request certification be sent directly from the issuing jurisdiction to the Washington board office, verifying you have successfully passed the ARE, and:

(i) Have held an active license for nine or more years; or

(ii) Have held an active license for less than nine years and have one or more of the following:

(A) An NAAB-degree and have completed IDP, as shown by your IDP record sent directly to the Washington board office from NCARB;

(B) A combination of education and experience, as shown by:

(I) An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office; and

(II) Verification of practical architectural work experience, on the board's application forms, completely by licensed architects who have reviewed your practical work experience and sent directly to the board office.

(3) Complete a review of Washington's laws and rules relating to the practice of architecture.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-055, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-065 What if I don't finish the licensing process?** If you fail to complete the licensing process and your records show no activity for five consecutive years, the board will consider your application abandoned. No activity includes, but is not limited to:

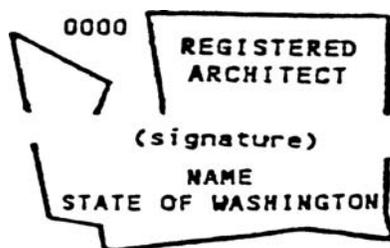
- Failure to submit the required documents and other information requested by the board within five consecutive years from the last date the board requested the documents or other information.

- Failure to provide the board with any written communication during five consecutive years indicating you are attempting to complete the licensing process.

If your application is considered abandoned, it may be archived or destroyed, and you will be required to reapply for licensure and comply with the licensing requirements in effect at the time of reapplication.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-065, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-081 Do I need a stamp or seal?** Every architect licensed in the state of Washington must have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered architect, state of Washington." An example of the board-authorized seal appears below. Deviations are not allowed.



You must sign and seal all technical submissions required for building permits or regulatory approvals that are filed with authorities having jurisdiction.

(1) Drawings prepared by you must be signed and sealed on each sheet.

(2) Specifications and other technical submissions need only be sealed on the cover, title page, and all pages of the table of contents.

You may only sign and seal drawings prepared by you, or in one of the following ways:

- By your regularly employed subordinates and reviewed by you;

- By an individual or firm under direct subcontract with you;

- In collaboration with an architect licensed in a jurisdiction recognized by the board provided there is a contractual agreement between you and that architect.

By signing and sealing drawings or specifications, you become the architect of record and are responsible to the same extent as if you prepared the drawings or specifications yourself.

Without exception, these stamping requirements apply to all work filed with public authorities you prepare or review, or that is prepared under your personal supervision by persons under your direction and control, regardless whether the work is exempt from the licensing requirements found in RCW 18.08.410.

(3) The term "signature" or "signed" as used in chapters 18.08 RCW and/or 308-12 WAC, means the following:

(a) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

(i) Original and written by hand, or a scanned image of an original, handwritten identification;

(ii) Permanently affixed to the document(s) being certified;

(iii) Applied to the document by the identified licensee;

(iv) Placed across the seal/stamp of the licensee.

(b) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

(i) Unique to the licensee using it;

(ii) Capable of independent verification;

(iii) Under the exclusive control of the licensee using it.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-081, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-081, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-081, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-081, filed 2/5/86. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-081, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-081, filed 2/2/83.]

**WAC 308-12-085 Does my business need to register with the board?** If your business offers architectural services in Washington state, you must apply for and be granted a certificate of authorization from the board.

(1) To apply for a certificate of authorization, register your business with the master license service by submitting:

(a) The certificate of authorization application and fee. The application fee is not refundable.

(b) A certified copy of a resolution, if a corporation, or a formal statement naming the designated architect(s) of your business. In lieu of a certified copy of the resolution, the board will accept a formal statement in a documented format provided by the board.

(2) The designated architect(s):

(a) Is responsible for the practice of architecture by your business and provides the full authority to make all final architectural decisions on behalf of your business with respect to work performed by your business in Washington.

(b) Is responsible for the practice of architecture by your business and must be regularly employed in the office having direct knowledge and supervisory control of such work.

(3) If your business changes designated architects, you must notify the board on a form provided by the board of the new designated architect within thirty days of the effective date of the change.

(4) Your architect certificate of authorization renewal is due annually. The expiration date is the same as your renewal date for your business registration from Washington's secretary of state's office or department of licensing's master licensing service. The department will send a courtesy renewal notice.

(5) You must notify the board in writing of any address changes.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-085, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-085, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.420. 87-19-095 (Order PM 676), § 308-12-085, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-085, filed 10/17/85.]

**WAC 308-12-205 Architect fees.** (1) Suspension of fees. Effective July 1, 2011, the listed fees shown in subsection (2) of this section are suspended and replaced with the following:

| Title of Fee                         | Fee     |
|--------------------------------------|---------|
| Individuals:                         |         |
| Examination application              | \$50.00 |
| Reciprocity application              | 250.00  |
| Initial licensure                    | 75.00   |
| License renewal (2 years)            | 75.00   |
| Late renewal penalty                 | 25.00   |
| Duplicate license                    | 15.00   |
| Business entities:                   |         |
| Certificate of authorization         | 100.00  |
| Certificate of authorization renewal | 50.00   |

The fees set forth in this section shall revert back to the fee amounts shown in subsection (2) of this section on July 1, 2013.

(2) The following fees shall be charged by the business and professions division of the department of licensing:

| Title of Fee              | Fee      |
|---------------------------|----------|
| Examination application   | \$100.00 |
| Reciprocity application   | 390.00   |
| Initial licensure         | 99.00    |
| License renewal (2 years) | 99.00    |
| Late renewal penalty      | 33.00    |
| Duplicate license         | 15.00    |

(5/9/11)

| Title of Fee                         | Fee    |
|--------------------------------------|--------|
| Business entities:                   |        |
| Certificate of authorization         | 278.00 |
| Certificate of authorization renewal | 139.00 |

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, amended and recodified as § 308-12-205, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-326, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 43.24.086. 98-12-064, § 308-12-326, filed 6/1/98, effective 7/2/98. Statutory Authority: RCW 43.24.086. 97-13-095, § 308-12-326, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-326, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.340 and 18.08.370. 91-13-055, § 308-12-326, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 43.24.086. 90-03-032, § 308-12-326, filed 1/12/90, effective 2/12/90; 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.]

**WAC 308-12-215 How do I renew my license?** The architect license renewal period is two years. Your expiration date is your birthday. You must notify the board in writing of any address changes.

You are responsible for renewing your license regardless of receiving a renewal notice from the department. If you fail to renew your license, your license is delinquent and you are prohibited from offering and/or providing professional architect services until your license is reinstated.

(1) If your license has been delinquent less than two years, send to the department:

(a) A letter requesting reinstatement, including certification of having met current professional development requirements; and

(b) The current renewal fee plus the late penalty fee.

(2) If your license has been delinquent over two years but less than five years, send to the department:

(a) A letter requesting reinstatement, including certification of having met current professional development requirements; and

(b) Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee.

(3) If your license has been delinquent five or more years, send to the department:

(a) A letter of application requesting reinstatement;

(b) Payment from all previous renewal cycles, the current renewal fee, and the late penalty fee;

(c) A review of Washington's laws and rules relating to the practice of architecture; and

(d) Evidence of completion of thirty-six PDH within the previous three years. See WAC 308-12-260 for qualifying activities.

(4) If your license has been delinquent five or more years, the board will review all of your reinstatement materials. They may request additional information if necessary.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, amended and recodified as § 308-12-215, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-320, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-320, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-320, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-320, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.430. 90-17-097, § 308-12-320, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

**WAC 308-12-225 How do I obtain retired status?** If you are a licensed architect, you may be eligible to obtain retired status if you are at least age sixty-five and have discontinued active practice. If granted, your ongoing licensing renewal fees and professional development requirements are waived.

(1) To obtain retired status, submit a request in writing to the board office. If the board determines you are eligible, the retired status would become effective on the first scheduled license renewal date that occurs on or after you reach age sixty-five. You do not need to renew an expired license to be eligible for this status. The board will not provide refund of renewal fees if the application for retired status is made and granted before the expiration date of the license.

(2) Privileges. In addition to the waiver of the renewal fee, as a retired licensee, you are permitted to:

- (a) Retain the board-issued wall certificate of licensure;
- (b) Use the title "architect," provided you also use the term "retired," the abbreviation "ret.," "emeritus architect," or similar language in written or verbal communications to indicate you are no longer in active practice;
- (c) Provide experience verifications and references for persons seeking licensure under chapter 18.08 RCW. If using your professional seal, you must place the word "retired" or "emeritus" after your signature;

(d) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to architectural work you performed before you were granted retired status;

(e) Serve in an architectural capacity as a "good Samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.08 RCW.

(3) Restrictions. As a retired licensee, you are not permitted to:

(a) Perform any architectural activity, as provided for in chapter 18.08 RCW, unless said activity is under the direct supervision of a Washington state licensed architect who has an active license in the records of the board;

(b) Apply your professional stamp, as provided for in RCW 18.08.370, to any drawing, specification, or report, except as provided for in subsection (2)(c) of this section.

(4) Certificate of licensure reinstatement. As a retired licensee, you may resume active architectural practice upon written request to the board and payment of the current renewal fee. At that time, you shall be removed from retired status and placed on active status in the records of the board. All rights and responsibilities of an active license status will be in effect. At the date of expiration of the reinstated certificate of licensure, you may choose to either continue active licensure or may again apply for retired status in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall you be eligible for a retired licensure if your certificate of licensure has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.08 RCW. If you have been suspended from practice and/or are subject to terms of a board order at the time you reach age sixty-five, you shall not be eligible for retired status until such time that the board has removed the restricting conditions.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-225, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-235 How do I withdraw from active practice?** You can withdraw from active practice by requesting in writing your license be placed on either inactive or retired status. Your license must be in good standing before you can request it be placed in inactive status. See WAC 308-12-225 for information about obtaining retired status.

Under inactive status, you are not permitted to perform any architectural activity, as provided for in RCW 18.08.320, unless said activity is under the direct supervision of a Washington state licensed architect who has an active license in the records of the board.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-235, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-240 How do I reactivate my inactive license?** (1) If you are returning to active status from less than five years of inactive status, send to the department:

- (a) A letter of application requesting reactivation;
- (b) The current renewal fee;
- (c) Evidence of completion of twenty-four PDH within the previous two years. See WAC 308-12-260 for qualifying activities.

(2) If you are returning to active status after five years of inactive status, send to the department:

- (a) A letter of application requesting reinstatement;
- (b) The current renewal fee plus the late penalty fee;
- (c) A review of Washington's laws and rules relating to the practice of architecture;
- (d) Evidence of completion of thirty-six PDH within the previous three years. See WAC 308-12-260 for qualifying activities.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-240, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-240, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-240, filed 1/21/97, effective 2/21/97.]

**WAC 308-12-250 Do I need ongoing professional development to maintain my license?** (1) To maintain active practice, you must accumulate twenty-four professional development hours (PDH) for the upcoming two-year renewal period.

(2) The PDH you accumulate are subject to audit by the board.

(3) Up to twelve PDH over the required hours can be carried forward from the second year of your previous renewal period.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-250, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-260 What activities qualify as professional development?** (1) You are responsible to seek out qualifying activities that can be demonstrated to the board as relevant to professional development.

- (a) Activities are not preapproved by the board.
- (b) Activities must be relevant to the practice of architecture and may include technical, ethical or managerial content.
  - (i) At least sixteen PDH must address public health, safety and welfare.

- (ii) All activities must have a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of architecture.
- (2) The board is the final authority with respect to claimed qualifying activities and the respective PDH credit.

- (3) The qualifying activity becomes eligible for credit upon completion of the given activity.
- (4) Examples of qualifying activities:

| <b>Sample Activities (one PDH is equal to no less than fifty minutes of activity)</b>  | <b>Maximum Per Renewal Cycle</b> |
|--|----------------------------------|
| One hour of preparation and subsequent presentation per subject of a professional development program at seminars, professional/technical meetings, conventions or conferences. This credit does not apply to full-time faculty.   | 16 PDH                           |
| For publication or presentation of an authored technical paper or article.   | 8 PDH                            |
| For publication or presentation of an authored book.   | 8 PDH                            |
| Serving as an elected officer or appointed member for one of the following: <ul style="list-style-type: none"> <li>• A committee in a professional society or organization;</li> <li>• A professional board or commission;</li> <li>• A regulatory board for the practice of architecture.</li> </ul> Up to four PDH shall be earned upon the completion of each year of service per organization. | 8 PDH                            |
| Professional examination grading or writing: Serving as an exam grader or on a committee writing exam materials for a professional licensure examination.  | 8 PDH                            |
| One hour of attendance at meetings or hearings of the board. This credit does not apply to existing board members or to parties or witnesses in hearings before the board.   | 8 PDH                            |
| One hour of work, outside normal duties of employment that involves participation in other recognized professional activities.   | 4 PDH                            |
| One hour of self-study relevant to the practice of architecture.   | 8 PDH                            |
| One hour of participation in organized courses relevant to the practice of architecture, including those provided by your employer, trade organizations, technical or professional societies, or the board.  | No limit                         |
| One hour of attendance at professional or technical society meetings with an informational program.  | 8 PDH                            |
| Pro bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the registrant. Four hours of service is equal to one PDH.  | 8 PDH                            |
| One hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment.   | 8 PDH                            |

- (5) The following activities do not qualify as professional development:
  - (a) Activities that were conditions of a board order;
  - (b) Attendance or testimony at legislative hearings, at city or county council meetings/hearings, or at civil or criminal trials;
  - (c) Time spent fund-raising for scholarships or other society purposes or lobbying for legislation;
  - (d) Attendance at gatherings that are primarily social in nature;
  - (e) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-260, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-270 How do I record and report my professional development activities?** (1) You must maintain the records of your professional development activities. The records must include the date of the activity, the provider's name, a description of activity and its location and the number of PDH.

(2) You must keep your records for the cumulative time in the current renewal period plus the three years before the last renewal (five years total).

(3) By renewing your professional architect license, you attest you have completed the required professional development for that renewal period.

(5/9/11)

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-270, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-280 How does the board verify I have completed my professional development?** (1) The board will audit a random sample of licensees yearly. If you are selected for an audit, the board will provide instructions about how to respond.

(2) You may face disciplinary action for failing to complete your professional development requirement or falsifying your records.

(3) If an audit disqualifies credits that you reported to the board and results in you failing to complete the PDH requirements, the board may require the shortage to be made up over a period of time established by the board.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-280, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-290 Are there any exemptions from the professional development requirement?** (1) The board may waive the professional development requirement under the following circumstances. The waiver would only be in effect for the current renewal period. If your professional development is audited, the board will require documentation of:

- (a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship, as determined by the board.

(b) Active military duty for at least one hundred twenty days.

(2) You are exempted from the professional development requirements if you withdraw from active practice and place your license in inactive or retired status.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-290, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-330 What are the standards of professional practice? (1) Competence.**

(a) When practicing architecture, you must act with reasonable care and competence, and must apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(b) When designing a project, you must take into account all applicable state and municipal building laws and regulations. You may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations. You must not knowingly design a project in violation of such laws and regulations.

(c) You must perform professional services only when you, together with those you may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(d) You will not be permitted to practice architecture if, in the board's judgment, your professional competence is substantially impaired by physical or mental disabilities.

**(2) Conflict of interest.**

(a) You must not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) You must fully disclose in writing to your client or employer the nature of any business association or direct or indirect financial interest which is substantial enough to influence your judgment in connection with the performance of professional services. If your client or employer objects to such association or financial interest, you must either terminate such association or interest or offer to give up the commission or employment.

(c) You must not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of building contract documents and the judge of contract performance, you must render decisions impartially, favoring neither party to the contract.

**(3) Full disclosure.**

(a) You must disclose any compensation received for making public statements on architectural questions.

(b) You must accurately represent qualifications and scope of responsibility to prospective or existing clients or employers for work for which you are claiming credit.

(c) In the course of work on a project, if you become aware of a decision made by your employer or client, against your advice, which violates applicable state or municipal building laws and regulations and which will, in your judgment, materially and adversely affect the safety to the public of the finished project:

(i) You must report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations, refuse to consent to the decision, and terminate services on the project when you reasonably believe decisions will be made against your objection. In the case of a termination in accordance with (c)(i) of this subsection, you shall have no liability to your client or employer because of such termination.

(ii) You must not deliberately make a materially false statement or deliberately fail to disclose a material fact in connection with your application for registration or renewal.

(iii) You must not assist a person in applying for registration when you know the applicant is unqualified in education, training, experience, or character.

(iv) If you possess knowledge of a violation of these rules by another architect, you must report such knowledge to the board.

**(4) Compliance with laws.**

(a) You must not, in the conduct of architectural practice, knowingly violate any state or federal criminal law.

(b) You must not offer or make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which you are interested.

(c) You must comply with the registration laws and regulations governing your professional practice.

**(5) Professional conduct.**

(a) An office maintained for the purpose of providing architectural services must have an architect resident regularly employed in that office with direct knowledge and supervisory control of such work.

(b) You must not offer or provide any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which you are interested.

(c) You must not engage in conduct involving fraud or wanton disregard of the rights of others.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-330, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-330, filed 5/14/02, effective 6/14/02.]

**WAC 308-12-335 When can I call myself an architect if I don't have a Washington license?** You can use the title "architect" without an active Washington license when you are identifying your profession under the following circumstances:

(1) You are a United States government employee or officer engaged in architectural activities solely for said government and you are currently licensed in any U.S. jurisdiction.

(2) You are an instructor at an accredited architectural degree program in architecture engaged solely in teaching activities and you are currently licensed in any U.S. jurisdiction.

(3) You are offering to practice architecture as defined in RCW 18.08.310(2), including participation in design competition.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-335, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-340 How do I apply the exemptions contained in RCW 18.08.410?** For the purposes of clarifying the exemptions to licensing contained in RCW 18.08.410, the following brief summaries and definitions apply:

(1) RCW 18.08.410(5) grants exemption for any person to design and prepare construction documents for any residential building, regardless of area, up to but not greater than four dwelling units; or a farm building; or a structure as described in RCW 18.08.410(5).

(2) RCW 18.08.410(6) grants exemption for any person to design a building of any occupancy for up to a total building size of four thousand square feet.

(3) RCW 18.08.410(7) grants exemption for any person to design and prepare construction documents for alteration of, or repairs to, a project not greater than four thousand square feet in a building greater than four thousand square feet and when the contemplated work does not affect life safety or structural systems. The combined square footage of simultaneous projects allowances under this section shall not exceed four thousand square feet.

(4) Life safety is affected if the work contemplated includes, but is not limited to:

(a) Alteration of any fire rated construction;

(b) Alteration of any means of egress including barrier free provisions defined by the building codes;

(c) Alteration of a building such that the number of occupants in the affected space(s) would be increased.

(5) Project size is defined as the cumulative square footage of all spaces that contain altered construction in the design under consideration.

(6) Simultaneous projects are projects which have an open permit in the same building, designed or prepared by nonarchitects, the total of which may not exceed four thousand square feet.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, § 308-12-340, filed 5/9/11, effective 7/1/11.]

**WAC 308-12-345 Brief adjudicative proceedings.** (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.08 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

(h) Whether an applicant or licensee has defaulted on educational loans;

(i) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

(j) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, recodified as § 308-12-345, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-180, filed 2/15/07, effective 3/18/07.]

**WAC 308-12-350 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) Default of student loan payments:

(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;

(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;

(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;

(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, recodified as § 308-12-350, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.96.060. 07-05-040, § 308-12-190, filed 2/15/07, effective 3/18/07.]

**WAC 308-12-355 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer appointed by the current board chair in accordance with RCW 34.05.485. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but must not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, at his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings will enter an initial written order.

[Statutory Authority: RCW 18.08.340 and 43.24.086. 11-11-019, recodified as § 308-12-355, filed 5/9/11, effective 7/1/11. Statutory Authority: RCW 18.08.340. 02-11-082, § 308-12-230, filed 5/14/02, effective 6/14/02; 97-03-121, § 308-12-230, filed 1/21/97, effective 2/21/97.]

# Chapter 18.235 RCW

## UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

### Sections

|            |   |
|------------|---|
| 18.235.005 | Intent.   |
| 18.235.010 | Definitions.  |
| 18.235.020 | Application of chapter—Director's authority—Disciplinary authority.   |
| 18.235.030 | Disciplinary authority—Powers.  |
| 18.235.040 | Director's authority.   |
| 18.235.050 | Statement of charges—Hearing.   |
| 18.235.060 | Procedures governing adjudicative proceedings.  |
| 18.235.070 | Previous denial, revocation, or suspension of license.  |
| 18.235.080 | Orders.   |
| 18.235.090 | Appeal.   |
| 18.235.100 | Reinstatement.  |
| 18.235.110 | Unprofessional conduct—Finding.   |
| 18.235.120 | Payment of a fine.  |
| 18.235.130 | Unprofessional conduct—Acts or conditions that constitute.  |
| 18.235.140 | Final order issued under RCW 18.235.130—Failure to comply.  |
| 18.235.150 | Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. |
| 18.235.160 | Violation of injunction—Contempt of court—Civil penalty.  |
| 18.235.170 | Misrepresentation—Gross misdemeanor.  |
| 18.235.180 | Crime or violation by license holder—Disciplinary authority may give notification.  |
| 18.235.190 | Immunity from suit.   |
| 18.235.200 | Use of records—Exchange of information—Chapter does not affect or limit.  |
| 18.235.210 | Application of chapter—January 1, 2003.   |
| 18.235.900 | Short title.  |
| 18.235.901 | Effective date—2002 c 86 §§ 101-123.  |
| 18.235.902 | Part headings not law—2002 c 86.  |
| 18.235.903 | Severability—2002 c 86.   |

**18.235.005 Intent.** It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

**18.235.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action

against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

**18.235.020 Application of chapter—Director's authority—Disciplinary authority.** (*Effective until July 1, 2011.*) (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW; and

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The \*state board of registration for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

**Reviser's note:** \*(1) The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

(2) This section was amended by 2009 c 102 § 5, 2009 c 370 § 20, and by 2009 c 412 § 22, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Short title—Implementation—2009 c 412:** See RCW 18.300.900 and 18.300.902.

**Effective date—2009 c 370 §§ 1-16, 18, 20, and 21:** See note following RCW 18.96.010.

**Finding—2009 c 370:** See note following RCW 18.96.010.

**Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102:** See note following RCW 18.39.810.

**Effective date—2006 c 219:** See note following RCW 46.82.285.

**18.235.020 Application of chapter—Director's authority—Disciplinary authority. (Effective July 1, 2011.)** (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any busi-

ness or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW;

(xx) Home inspectors under chapter 18.280 RCW;

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The \*state board of registration for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or pro-

ceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

**\*Reviser's note:** The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

**Severability—Effective date—2010 c 179:** See RCW 18.310.900 and 18.310.901.

**Short title—Implementation—2009 c 412:** See RCW 18.300.900 and 18.300.902.

**Effective date—2009 c 370 §§ 1-16, 18, 20, and 21:** See note following RCW 18.96.010.

**Finding—2009 c 370:** See note following RCW 18.96.010.

**Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102:** See note following RCW 18.39.810.

**Effective date—2006 c 219:** See note following RCW 46.82.285.

**18.235.030 Disciplinary authority—Powers.** The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative

proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

**18.235.040 Director's authority.** The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

**18.235.050 Statement of charges—Hearing.** (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing

constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

**18.235.060 Procedures governing adjudicative proceedings.** The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

**18.235.070 Previous denial, revocation, or suspension of license.** The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

**18.235.080 Orders.** An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

**18.235.090 Appeal.** A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

**18.235.100 Reinstatement.** A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a

condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

**18.235.110 Unprofessional conduct—Finding.** (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

**18.235.120 Payment of a fine.** Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforce-

ment is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

**18.235.130 Unprofessional conduct—Acts or conditions that constitute.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

**18.235.140 Final order issued under RCW 18.235.130—Failure to comply.** If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

**18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited.** (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any

provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

**18.235.160 Violation of injunction—Contempt of court—Civil penalty.** A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

**18.235.170 Misrepresentation—Gross misdemeanor.** A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

**18.235.180 Crime or violation by license holder—Disciplinary authority may give notification.** If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

**18.235.190 Immunity from suit.** The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

**18.235.200 Use of records—Exchange of information—Chapter does not affect or limit.** This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or

action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

**18.235.210 Application of chapter—January 1, 2003.**

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

**18.235.900 Short title.** This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

**18.235.901 Effective date—2002 c 86 §§ 101-123.**

Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

**18.235.902 Part headings not law—2002 c 86.** Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

**18.235.903 Severability—2002 c 86.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]

